

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 237A.12, the Department of Human Services proposes to amend Chapter 110, “Child Development Homes,” Iowa Administrative Code.

These amendments update administrative rules regarding a number of requirements regarding child development homes as follows:

These amendments update the minimum requirements for first-aid kits in child development homes.

These amendments modify administrative rules to allow tamper-resistant electrical outlets to be used in addition to safety caps.

Fire safety rules indicate that combustible materials must be kept away from heating elements. The fire marshal recommends a distance of three feet, and child care providers are held to the three-foot-distance requirement. These amendments propose to adopt the three-foot-distance requirement.

Iowa Code section 237A.3A states, in part, that “[t]he rules shall require a child development home to be located in a single-family residence that is owned, rented, or leased by the person or, for dual registrations, at least one of the persons who is named on the child development home’s certificate of registration.” These amendments add the aforementioned provision.

Iowa Code section 237A.5(2)“i”(2) states, in part, that “[i]f within five years prior to the date of application for registration or license under this chapter, for employment or residence in a child care facility or child care home, or for receipt of public funding for providing child care, a person subject to an evaluation has been . . . found to have committed physical abuse, the person shall be prohibited from involvement with child care for a period of five years from the date of founded abuse.” The language of subparagraph 110.7(3)“f”(1) specifically includes “founded child abuse that was determined to be physical abuse” and does not include dependent adult abuse; therefore, the subparagraph is broadened to include dependent adult abuse by removing the word “child.”

Finally, these amendments rescind rule 441—110.13(237A) to remove an outdated exception that applied to providers renewing a previously issued registration on or after December 2002. This transition time period has been in effect for 12 years and is no longer valid or needed.

Any interested person may make written comments on the proposed amendments on or before February 24, 2015. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 237A.3A.

The following amendments are proposed.

ITEM 1. Amend paragraph **110.5(1)“c”** as follows:

c. A first-aid kit shall be available and easily accessible whenever children are in the child development home, in the outdoor play area, in vehicles used to transport children, and on field trips. The kit shall be sufficient to address first aid related to minor injury or trauma and shall be stored in

an area inaccessible to children. The kit shall, at a minimum, include adhesive bandages, antiseptic cleaning materials, tweezers, and disposable plastic gloves.

ITEM 2. Amend paragraph **110.5(1)“e”** as follows:

e. Electrical wiring shall be maintained, ~~with~~ and all accessible electrical outlets shall be tamper-resistant outlets or shall be safely capped and electrical. Electrical cords shall be properly used. Improper use includes running cords under rugs, over hooks, through door openings, or other use that has been known to be hazardous.

ITEM 3. Amend paragraph **110.5(1)“f”** as follows:

f. Combustible materials shall be kept a minimum of three feet away from furnaces, stoves, water heaters, and gas dryers.

ITEM 4. Adopt the following **new** paragraph **110.5(1)“y”**:

y. The child development home shall be located in a single-family residence that is owned, rented, or leased by the person or, for dual registrations, at least one of the persons who is named on the child development home’s certificate of registration.

ITEM 5. Amend subparagraph **110.7(3)“f”(1)** as follows:

(1) A person with the following conviction or founded abuse report is prohibited from involvement with child care for five years from the date of the conviction or founded abuse report:

1. Conviction of a controlled substance offense under Iowa Code chapter 124.
2. Founded ~~child~~ abuse that was determined to be physical abuse.

ITEM 6. Rescind and reserve rule **441—110.13(237A)**.